IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

CIVIL APPLICATION NO. 1380 OF 2006
IN
FIRST APPEAL NO. 503 OF 2006.

M/s.Premium Chicks Feed Pvt.Ltd. ... Applicant.
Versus.
Trimbak Hatchries Pvt.Ltd. ... Respondent.

Shri Pradeep M.Patil for the Applicant.

Shri S.G.Karandikar for the Respondent.

CORAM : ABHAY S.OKA, J.

DATED : 13th MARCH, 2006.

P.C.:

1. Rule. Shri Karandikar waives service for the Respondents. Taken up for hearing forthwith.

2. The impugned judgment and decree is a money decree. The execution of money decree cannot be stayed unless entire amount is deposited. This is not an exceptional case where requirement of deposit can be dispensed with. The suit is based on commercial transaction between the parties.

3. Hence the Civil Application is disposed of with the following order:

i) There will be interim relief in terms of prayer clause (a) subject to condition of the Applicant depositing the entire amount due and payable under the impugned judgment and decree within a period of 12

weeks from today in the trial Court.

ii) If the amount is not deposited within the stipulated period, the interim relief granted will stand vacated automatically without reference to the Court.

iii) If the amount is deposited, the Respondent will be entitled to apply to this Court for seeking permission to withdraw the amount. If such an application is made, the Applicant will be entitled to oppose the same on all available ground.

iv) The deposit of the amount by the Applicant will be without prejudice to the rights and contentions of the parties.

v) No order as to costs.

Judge.